

respect to the referred claim. The CCLR permits the agency to indicate specifically any of a number of litigative activities which the Department of Justice may pursue, including enforced collection, judgment lien only, renew judgment lien only, renew judgment lien and enforce collection, program enforcement, foreclosure only, and foreclosure and deficiency judgment.

(c) Agencies also shall use the CCLR to refer claims to the Department of Justice to obtain approval of any proposals to compromise the claims or to suspend or terminate agency collection activity.

§ 904.3 Preservation of evidence.

Referring agencies must take care to preserve all files and records that may be needed by the Department of Justice to prove their claims in court. Agencies ordinarily should include certified copies of the documents that form the basis for the claim in the packages referring their claims to the Department of Justice for litigation. Agencies shall provide originals of such documents immediately upon request by the Department of Justice.

§ 904.4 Minimum amount of referrals to the Department of Justice.

(a) Agencies shall not refer for litigation claims of less than \$2,500, exclusive of interest, penalties, and administrative costs, or such other amount as the Attorney General shall from time to time prescribe. The Department of Justice shall promptly notify referring agencies if the Attorney General changes this minimum amount.

(b) Agencies shall not refer claims of less than the minimum amount unless:

(1) Litigation to collect such smaller claims is important to ensure compliance with the agency's policies or programs;

(2) The claim is being referred solely for the purpose of securing a judgment against the debtor, which will be filed as a lien against the debtor's property pursuant to 28 U.S.C. 3201 and returned to the referring agency for enforcement; or

(3) The debtor has the clear ability to pay the claim and the Government effectively can enforce payment, with due regard for the exemptions available to the debtor under state and Federal law and the judicial remedies available to the Government.

(c) Agencies should consult with the Financial Litigation Staff of the Executive Office for United States Attorneys in the Department of Justice prior to referring claims valued at less than the minimum amount.

Dated: November 6, 2000.

Lawrence H. Summers,
Secretary of the Treasury.

Dated: September 21, 2000.

Janet Reno,
Attorney General of the United States.
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GENERAL ACCOUNTING OFFICE

DEPARTMENT OF JUSTICE

4 CFR Chapter II

[A.G. Order No. 2326-2000]

Federal Claims Collection Standards; Removal of Obsolete Chapter

AGENCIES: General Accounting Office; Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule removes from Title 4 of the Code of Federal Regulations the Federal Claims Collection Standards (FCCS), which were issued jointly by the Department of Justice and the General Accounting Office (GAO). The GAO no longer has the statutory authority to issue or maintain the FCCS.

DATES: This rule is effective December 22, 2000.

FOR FURTHER INFORMATION CONTACT: Tom Armstrong, General Accounting Office, (202) 512-8257; or Kathleen A. Haggerty, Department of Justice, (202) 514-5343.

SUPPLEMENTARY INFORMATION: The FCCS were promulgated jointly by the Department of Justice and GAO on March 9, 1984. 49 FR 8889. The Comptroller General was removed as a co-promulgator of the FCCS by section 115(g) of the General Accounting Office Act of 1996, Public Law 104-316, 110 Stat. 3826 (Oct. 19, 1996). Consequently, the FCCS are being removed from Title 4 of the Code of Federal Regulations.

The Secretary of the Treasury was added as a co-promulgator of the FCCS with the Department of Justice under section 31001(g)(1)(C) of the Debt Collection Improvement Act of 1996, Public Law 104-134, 110 Stat. 1321, 1321-358 (Apr. 26, 1996), as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996. The revised FCCS, to be published in Title 31 of the Code of Federal Regulations, will be administered jointly by the Department of Justice and the Department of the Treasury. A final rule establishing a revised FCCS is being published elsewhere in this issue of the **Federal Register**.

Regulatory Analysis

Administrative Procedure Act
(5 U.S.C. 553)

This rule is a rule of agency organization and is therefore exempt from the notice requirement of 5 U.S.C. 553(b), and is made effective upon issuance.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Executive Order 13132

This regulation will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Act. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

Executive Order 12866

This action has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. This rule is limited to agency organization and management as described by Executive Order 12866 section 3(d)(3) and, therefore, is not a

“regulation” or “rule” as defined by this Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Congressional Review Act

This action pertains to agency management and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business

Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 4 CFR Chapter II

Claims.

4 CFR CHAPTER II—[REMOVED]

For the reasons set out in the preamble, and under the authority of 31 U.S.C. 3711, the Federal Claims

Collection Standards, chapter II of title 4, Code of Federal Regulations, consisting of parts 101 through 105, is removed.

Dated: November 8, 2000.

David M. Walker,
Comptroller General.

Janet Reno,
Attorney General.

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